

**IN THE MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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**COMPLETE TITLE OF CASE**

STATE OF MISSOURI,

Respondent,

v.

STEVEN WAYNE COOPER,

Appellant.

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**DOCKET NUMBER WD79707**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**DATE:** September 27, 2016

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**APPEAL FROM**

The Circuit Court of Jackson County, Missouri  
The Honorable Kevin D. Harrell, Judge

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**JUDGES**

Division Two: Mitchell, P.J., and Martin and Witt, JJ.

CONCURRING.

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**ATTORNEYS**

Chris Koster, Attorney General  
Jeremiah J. Morgan, Deputy Solicitor General  
Jefferson City, MO

Attorneys for Respondent,

Steven W. Cooper  
Independence, MO

Appellant, *pro se*.

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## MISSOURI APPELLATE COURT OPINION SUMMARY MISSOURI COURT OF APPEALS, WESTERN DISTRICT

STATE OF MISSOURI, )  
 )  
 Respondent, )  
 v. ) **OPINION FILED:**  
 ) **September 27, 2016**  
 STEVEN WAYNE COOPER, )  
 )  
 Appellant. )

**WD79707**

**Jackson County**

**Before Division Two Judges:** Karen King Mitchell, Presiding Judge, and Cynthia L. Martin and Gary D. Witt, Judges

Steven Cooper, who appears *pro se*, challenges his conviction for failure to register as a sex offender, a class D felony. Because Cooper entered a guilty plea and does not challenge the subject matter jurisdiction of the plea court or the sufficiency of the charging document, we dismiss the appeal.

**APPEAL DISMISSED.**

**Division Two holds:**

1. Before an appellate court addresses the merits of an appellant's claims, it must address whether the court has jurisdiction over the direct appeal.
2. In Missouri, the general rule is that a guilty plea waives all nonjurisdictional defects, including statutory and constitutional guarantees. The waiver rule exists because a guilty plea not only admits guilt but also consents to judgment of conviction without a jury trial.
3. In a direct appeal of a judgment and sentence entered as a result of a guilty plea, our review is restricted to claims involving the subject-matter jurisdiction of the trial court and the sufficiency of the information or indictment.

4. Circuit courts have original jurisdiction over all cases and matters, civil and criminal. The test of the sufficiency of an indictment is whether it contains all the essential elements of the offense as set out in the statute and clearly apprises defendant of the facts constituting the offense in order to enable him to meet the charge and to bar further prosecution.
5. While many of Cooper's arguments are difficult to decipher, it is clear that none of his points challenge either the trial court's subject matter jurisdiction or the sufficiency of the charging instrument.
6. Rule 24.035 creates an exception to the general rule that a plea of guilty waives the right to challenge alleged error relating to the plea and sentence. Challenges to either the voluntariness of the plea or the legality of the sentence imposed may be considered only in response to a Rule 24.035 motion. But this is not an appeal from the denial of a Rule 24.035 motion. It is a direct appeal from a guilty plea, which is not allowed.
7. Assuming that the State can consent to an appeal from a guilty plea, the prosecutor indicated at the plea hearing that the State had "no position as to whether [Cooper] will be able to" appeal. The prosecutor then verbally set forth the full terms of the agreement, which did not include granting Cooper the right to appeal. When asked whether that was his "understanding of the agreement," Cooper responded, "Yes, it is." Even if the State could consent to an appeal, an issue we do not reach, there is no evidence that it has done so here.

**Opinion by: Karen King Mitchell, Presiding Judge**

September 27, 2016

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